

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**CHRISTOPHER SINTEL KING,**

**Plaintiff,**

**VS.**

**Clerk of Court GWEN C. PATE,**

**Defendant.**

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**CIVIL ACTION FILE  
NO. 7:06-CV-80(HL)**

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**O R D E R**

Pending herein is plaintiff's "Motion to Subpoena" in which he seeks to have eight individuals subpoenaed "for witnesses and for whatever other purpose they may serve regarding this suit on my behalf." For the following reasons the court **DENIES** said motion as filed without prejudice to plaintiff's right to request subpoenas in the future should it become appropriate to do so. Plaintiff's motion must be viewed as premature at this time. Defendant's answer was filed on November 1, 2006, and no potentially dispositive motion has yet been filed. In the event that plaintiff survives a motion to dismiss his complaint or a motion for summary judgment he will be given an opportunity to identify those witnesses he wishes to have present for the trial.

A subpoena must inform the individual subpoenaed when and where to appear. Plaintiff fails to include this information in his motion. Further, pursuant to Federal Rule of Civil Procedure 45, in order for a subpoena to be effective it must be accompanied by the witness attendance fee for one day which is \$40.00 and round trip mileage computed at \$.445 per mile. Also, as a general rule a person residing more than 100 miles away from where he or she is to

testify can not be subject to a subpoena against his or her will. Thus, in the case of Georgia Attorney Thurbert Baker, if Atlanta is 200 miles away from Valdosta and he would agree to be subpoenaed, the subpoena for him would have to be accompanied by \$218.00 as mileage and attendance fees. If Tifton and Valdosta are 50 miles apart each witness from Tifton would have to receive \$84.50 before the subpoena would be binding. Plaintiff is advised that his being allowed to proceed in this matter *in forma pauperis* only allows him to pay the filing fee in installments, it does not relieve him from paying the required witness and mileage fees.

SO ORDERED, this 21<sup>st</sup> day of November 2006.

/s/ **Richard L. Hodge**  
RICHARD L. HODGE  
UNITED STATES MAGISTRATE JUDGE